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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Communications Workers of America, Local 9415, Kathleen Kinchius, President, Complainant, vs. Pacific Bell, (U 1001 C), Defendant.	Case 92-04-007 (Filed April 3, 1992)

ADMINISTRATIVE LAW JUDGE'S RULING CONVENING PREHEARING CONFERENCE

Pursuant to the procedure outlined in my ruling of November 27, 2002,[1] this ruling convenes a prehearing conference (PHC) for the purpose of scheduling and defining the scope of a supplementary hearing that will be necessary to consider issues raised by the status report filed by defendant SBC California (Pacific or SBC)[2] on February 7, 2003.

[1] Administrative Law Judge's Ruling Directing Parties to Meet and Confer, issued November 27, 2002 (November 27 Ruling).

[2] As the caption indicates, the originally-named defendant in this case was Pacific Bell. After the merger of Pacific Telesis Group and SBC Communications, Inc. in 1997 (as authorized in Decision (D.) 97-03-067), defendant changed its name to Pacific Bell Telephone Company. In late 2002, Pacific Bell Telephone Company began doing business as SBC California. Except where the context requires otherwise, this ruling will refer to the defendant as Pacific, since that is shorthand for the name defendant has used during virtually the entire time this docket has been open.

Background

As the caption indicates, this case is now over 11 years old, and no draft decision has yet been issued. On September 17, 2002, I issued a ruling[3] noting that because the hearings in this case had been held on June 10 and 11, 1993, and had been devoted largely to the adequacy of Pacific's training on Commission monitoring rules (as well as to the adequacy of the forms used by Pacific for monitoring), the record might be so stale that a decision was no longer justified. The parties were invited to file comments on whether they considered a dismissal without prejudice appropriate, and were asked to specify which issues, if any, still required resolution.

Pursuant to this invitation, complainant Local 9415 of the Communications Workers of America (CWA) filed comments on October 1, 2002, and Pacific filed reply comments on October 16, 2002. In its comments, CWA argued that it was entitled to a decision on the existing record, that the September 17 ruling unfairly placed the burden on it to demonstrate that the record was not stale, and that the record on three of the four principal issues that had been litigated — the validity of remote monitoring, the validity of the monitoring checklists used by Pacific, and the adequacy of the monitoring training that Pacific gives its operators and service representatives — was sufficiently fresh so that a decision could be based upon it. Pacific, on the other hand, argued that since its training and forms regarding monitoring had both changed over the past decade, the record on these issues was so stale that the case should be dismissed.[4]

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[3] Administrative Law Judge's Ruling Proposing Dismissal, issued September 17, 2002 (September 17 Ruling).

[4] Pacific also disagreed with CWA as to whether certain issues remained in the case.

In response to these comments, I issued the November 27 Ruling. After describing the parties' positions and observing that "to a considerable extent, the comments of CWA and Pacific talk past each other," I directed CWA and Pacific to meet and confer for the purpose of agreeing (if they could) on which portions of the 1993 record remained sufficiently current so that it would be reasonable to base a decision upon them. The parties were directed to file a joint report (or if they could not agree on one, separate reports) concerning their meetings no later than January 17, 2003. I also urged the parties to keep in mind the May 11, 1993 restatement of the major issues they had agreed to submit for decision after the issuance of a ruling granting partial summary judgment in Pacific's favor. The four major issues were as follows:

1. Whether "remote" monitoring (*i.e.*, monitoring from rooms or locations separate from the work area) impermissibly deprives customers and employees of notice that their calls are being monitored;

2. Whether the training and forms used by Pacific for monitoring encourages persons doing the monitoring to take down an impermissibly full amount of the monitored conversations, in violation of previous Commission rulings;

3. Whether Pacific's training of its employees on monitoring principles is sufficient to give the employees notice that some of their calls might be monitored, and otherwise to comply with Commission training requirements; and

4. Whether Pacific's proposed use of a taped announcement to notify customers that some of their calls might be monitored would be sufficient under General Order (GO) 107-B to allow Pacific to make verbatim notes of the monitored conversations

and to relay these notes to the monitored employees and their supervisors.[5]

Pacific's Report on the Meet-and-Confer Sessions

After requesting an extension of time due to the holidays, Pacific and CWA submitted separate reports on February 7, 2003 regarding their meet-and-confer sessions. In its report, Pacific has raised a number of issues, but argues that if the Commission gives it permission to use an (ARU), most of the other issues in the case will be moot.

The ARU is the device that, in the words of the September 17 Ruling, generates "a recorded announcement that . . . inform[s] customers that the subject call might be monitored for quality assurance purposes." (September 17 Ruling, p. 2.) Pacific points to the language in the September 17 Ruling that "it is common knowledge that the use of such announcements has become ubiquitous since the hearing in this case was held," and notes that "since 1993, the taped announcement has become an industry standard among the major utilities regulated by this Commission.[6] Pacific also asserts that use of the ARU is

[5] The November 27 Ruling noted that although CWA and Pacific differed as to whether a ruling was still necessary on the fourth issue, the parties' comments did not indicate any disagreement as to the first three. The November 27 Ruling also noted that one of the issues CWA claimed was unresolved — the propriety of allowing non-management personnel to conduct supervisory monitoring — had in fact been resolved in Pacific's favor in the partial summary judgment ruling of May 11, 1993.

[6] Pacific's status report is accompanied by the declaration of Thomas Selhorst, who quotes the form of such recorded messages that he heard when he placed calls to various telecommunications and energy utilities at their respective service numbers.

permissible under the literal language of Section II.A.6.b. of GO 107-B.[7] Finally, Pacific contends that if the Commission's decision in this case approves the use of the ARU, "SBC California should have the right to record verbatim notes of monitored conversations."[8]

Pacific's other points in its status report are that (1) the propriety of remote monitoring should be left to the collective bargaining process, as it has been in the past, (2) Pacific has updated its monitoring checklist forms (copies of which comprise Attachment C to the status report), and these checklists comply with all applicable Commission requirements, (3) the caption should be updated to reflect the fact that Kathleen Kinchius is no longer president of Local 9415 of CWA, and (4) Pacific has updated its training of service representatives on monitoring. Concerning this last issue, Pacific places particular emphasis on the following facts: (a) on August 8, 1995, it entered into a Memorandum of Agreement (MOA) with CWA concerning the supervisory monitoring of service representatives; and (b) in early 1996, Pacific and CWA issued a "best practices

[7] Under Section II.A.6.b. of GO 107-B, notice of monitoring may be given "by verbal announcement by the operator of monitoring equipment to the parties to a communication that their communication is being monitored."

[8] Pacific bases this claim on D.78442, 72 CPUC 78 (1971). In that decision, the Commission observed that although the rule against taking verbatim notes would clearly make supervisory monitoring more difficult, "telephone corporations have adequate means of observing employee performance by means other than supervisory monitoring, including monitoring with prescribed notice." (72 CPUC at 83.) Pacific contends that use of the ARU would constitute "monitoring with prescribed notice," thus taking it out of the prohibition against verbatim note-taking. *See also,* May 11, 1993 letter to Administrative Law Judge (ALJ) McKenzie from counsel for CWA and Pacific.

package" designed to implement the MOA by providing answers to frequently-asked questions about supervisory monitoring (Q&A).

As to the MOA and Q&A, Pacific states:

> "[T]he MOA and Q&A are used by SBC California to provide guidelines for supervisory monitoring to its managers. Any suggestion by Ms. Kinchius that the MOA and Q&A reflects the understanding, but not the intent of the parties to have managers rely upon the guidelines, is simply incorrect. Ms. Kinchius cannot reasonably contend that the MOA was not intended by SBC California as an aid for training and monitoring.
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> "SBC California abides by the terms of the MOA and will do so even if the Commission approves use of an ARU announcement. Indeed, SBC California will ensure that each affected employee, current or incoming, will receive a written notification before any ARU announcement is implemented." (SBC Status Report, p. 4; footnote omitted.)

CWA's Report on the Meet-and-Confer Sessions

In its report, CWA takes sharp issue with virtually every point raised in SBC's status report.

First, CWA disputes any suggestion that its former president, Kathleen Kinchius, is no longer authorized to pursue this case:

> "[Kinchius] filed this action in 1992 on behalf of herself and the Local of which she was president at the time. She can obviously continue to represent herself. She has also been specifically authorized by the Local to continue to represent the interests of the Local in this proceeding. Thus, while complainant has no objection to correcting the caption to reflect that she is no longer president of Local 9415, she strenuously objects to any challenge to her standing to proceed in this matter, which she has attempted to pursue for over a decade." (CWA Status Report, p. 5.)

As to the four issues that the parties submitted for resolution in 1993 (and which are summarized above), CWA continues to think that the existing record is sufficient. On the issue of remote monitoring, CWA contends that the 1993 hearing record is adequate because SBC California has recently confirmed in writing that it "continues to use tone rooms that comply with regulatory requirements,"[9] a statement CWA "interprets . . . as an acknowledgment that [defendant's] practice has not changed in any material respect since 1993." (*Id.* at 3.) On the issue of monitoring training, CWA states that it has not received any training materials or other information to suggest that Pacific has "materially altered" its training procedures since 1993, so "it is Complainant's position that the record on this issue continues to be as meaningful as it was in 1993." (*Id.* at 3-4.) Third, on the issue of forms, CWA acknowledges that the checklists used during monitoring today are different from those used in 1993, but asserts that these differences are irrelevant:

> "Complainant's primary objection to the form used in 1993 was its inclusion of a 'Comments' section that encouraged monitors to comment on the content of specific portions of the monitored conversation. That section has not been deleted from the currently used form. Indeed, if anything, it has been expanded from its counterpart on the 1993 form. Therefore, all of the objections raised by Complainant to the form used in 1993 are equally applicable to the form that is in use today." (*Id.* at 3.)

On the fourth issue submitted in 1993, the propriety of using an ARU message, CWA takes the position that this question has been excluded from this

[9] As CWA points out, the 1993 hearing record indicates that the parties use the term "tone room" to refer to a sound-insulated room separate from the work area from which remote monitoring is conducted. (CWA Status Report, p. 3.)

case. CWA points out that on July 27, 1993, I issued a ruling[10] stating that because Pacific had not yet sought approval from the Commission Advisory and Compliance Division (CACD) to use the ARU, the parties should not brief the ARU issue:

> "If and when PacBell wishes to obtain approval of the use of ARU technology for giving notice of monitoring, the proper way of doing so is by filing an advice letter with CACD. Under sections III.G.4. and III.H. of the Commission's General Order 96-A, advice letters must be served on interested parties who request them, and a 20-day period is allowed for protests. Since complainant's interest in the ARU technology is obvious, it is to be expected that any advice letter concerning this subject will be served on complainant. The opportunity for protest will afford complainant a chance to raise with CACD any concerns it may have about use of the ARU technology for giving notice of monitoring." (July 27, 1993 Ruling, pp. 1-2.)

In view of this ruling and the fact that neither party briefed the ARU issue in 1993, CWA contends that the issue should remain outside the scope of this proceeding, and that "there is no legitimate reason for reviving it a decade after it was removed," despite "the prevalence of ARU's within the customer service divisions of other companies." (*Id.* at 4-5.)

Finally, in an apparent reference to the MOA and Q&A on supervisory monitoring discussed in SBC's status report, CWA contends that labor negotiations conducted after the 1993 hearings are irrelevant to the issues in this case:

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[10] Administrative Law Judge's Ruling Denying Motion to Strike Testimony, issued July 27, 1993.

> "[I]t is [complainant's] position that the Commission cannot defer to the collective bargaining process for the enforcement of requirements that it has imposed upon a regulated company. The union has neither the responsibility for enforcing PUC requirements nor the authority to bargain such requirements away. Any effort by the union to incorporate such requirements into the collective bargaining agreement would serve only to provide the union with an alternative vehicle for enforcement of those requirements, not to supplant the role of the PUC." (*Id.* at 6.)[11]

Discussion

It is evident that in view of the differences between the parties described above, a PHC will be necessary in this case. Moreover, although I will reserve judgment until the PHC has been held, it also appears that a short supplementary hearing will be necessary to take evidence on how SBC uses the

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[11] CWA's status report also suggests that both Pacific and the ALJ have misunderstood complainant's position on why supervisory monitoring by non-management personnel is inappropriate. In response to the observation in the November 27 Ruling that the propriety of such monitoring by non-management personnel was upheld in the ALJ ruling of May 11, 1993, CWA states:

> "Complainant . . . observe[s] that the use of monitors who are not direct supervisors of the monitored employee often requires an additional level of communication (between the monitor and the supervisor) concerning the monitored conversation. As the [ALJ] noted in his May 11, 1993 Ruling . . . (at 8), the use of such monitors raises questions about the nature of the communication from the monitor regarding the monitored conversation and, in fact, provides, at least in part, the rationale for requiring a form or checklist designed to permit some communication about the monitored conversation without revealing an impermissible amount of the content of that conversation." (CWA Status Report, pp. 6-7.)

checklists included as Attachment C to its status report, and how it has updated its training of service representatives since the 1993 hearings.[12]

Of the four issues presented for decision by the parties in May 1993, remote monitoring is the one on which there appears to be the least dispute about the adequacy of the record. There was a good deal of testimony in 1993 about how remote monitoring was conducted. (Tr. 11-12, 18-19, 44-45, 60-64, 109-110, 118-119, 124-126.) The comment in CWA's status report that tone rooms are still in use suggests little may have changed since 1993. The parties should be prepared to discuss at the PHC whether there is any need for additional evidence on how SBC conducts remote monitoring today.

Although the parties appear to have few differences over the mechanics of remote monitoring, it is clear that they have major differences concerning the relevance of collective bargaining agreements they have entered into on the subject. The 1995 MOA affects remote monitoring, for example, because it provides that supervisory monitoring shall be done "only when all employees in the work group have been notified by a visual indicator which will be used only when monitoring is taking place." The 1993 hearing record demonstrated that Pacific's practice was not to conduct supervisory monitoring of its service representatives from tone rooms without first giving notice to the employees by means of a visual indicator.

[12] Another issue is the nature of the training that SBC now gives its operators, if any, on monitoring principles and practices. There was separate testimony on this issue in 1993, but operators are not mentioned in either of the status reports submitted on February 7, 2003.

As noted above, SBC takes the position that the MOA (and the related 1996 Q&A) are relevant to show that the parties reached agreements on some of the subjects of the 1993 hearings after these hearings were concluded. CWA, on the other hand, argues that the MOA and Q&A are irrelevant here because the union "has neither the responsibility for enforcing PUC requirements nor the authority to bargain such requirements away," because "the Commission cannot defer to the collective bargaining process for the enforcement of requirements it has imposed upon a regulated company." (CWA Status Report, p. 6.)

Some discussion will be necessary at the PHC to evaluate the significance of this dispute. On the one hand, in view of the statement in D.88232 that issues such as remote monitoring are "best left to the collective bargaining process," the fact that the parties expressly agreed in 1995 to use visual indicators would seem to be evidence that at least since the MOA was signed, the parties have regarded remote monitoring as a permissible practice.[13] On the other hand, CWA's position at the 1993 hearings and in its post-hearing brief was that remote monitoring from tone rooms was impermissible because it eliminated the background noise that, in the absence of a beeptone or verbal announcement, is necessary to alert customers that they are being monitored. (Complainant's Post-Hearing Brief, pp. 4-10.) In light of CWA's apparent acceding to some forms of remote monitoring (as manifested by the 1995 MOA), complainant should be prepared to state at the PHC whether it still takes the position that remote

[13] As noted in the summaries of the parties' positions, SBC insists that it has strictly abided by the terms of the MOA, and there is no suggestion in CWA's status report that it disagrees.

monitoring effectively violates the Commission's rules because it deprives customers of the background noise that alerts them they are being monitored.[14]

The issue that SBC has raised about the standing of Ms. Kinchius to pursue this litigation should be more easily resolved. As noted above, CWA's status report states that she has "been specifically authorized by the Local to continue to represent the interests of the Local in this proceeding." (CWA Status Report, p. 5.) In view of this, counsel for CWA should be prepared at the PHC to produce a letter, board resolution, or other document supporting this assertion.

Although I will be open to argument on this point at the PHC, it appears that a brief supplementary hearing will be necessary to receive testimony on how the checklist forms included in SBC's status report as Attachment C are actually used. Although there was testimony at the 1993 hearings on how the predecessors of these forms were used, (Tr. 156-158, 197-203; Defendant's Ex. 2), it seems likely that coaching practices (and related monitoring) have changed enough since 1993 that some new testimony is needed. However, if the parties are willing to stipulate that the 1993 testimony is adequate, then additional testimony on this point may not be needed.

The same observations apply to the training forms included in SBC's status report as Attachment D. There was testimony on some of these forms in 1993, and several of them were admitted into evidence. (*See* Defendant's Exs. 4 & 5.) However, unless SBC is prepared to represent that the way in which they are

[14] It should be noted that if Pacific is given permission to use the ARU, this issue may be moot. As noted in the text, Section II.A.6. of GO 107-B permits notice of monitoring to be given to customers by means of either a beeptone or a verbal announcement. Pacific takes the position that use of the ARU would constitute notice by verbal announcement.

used in training is essentially identical to how they were used in 1993, brief supplementary testimony on how these materials are now used would seem necessary.

The issue on which the parties have the biggest differences is, of course, SBC's proposed use of the ARU. As noted above, CWA's position is that this issue has already been ruled outside the scope of the case, while SBC's position is that the Commission should address it, the Commission should permit SBC to use ARU technology in the same manner as other regulated utilities, and that, once permission for such use is granted, SBC will be permitted to take verbatim notes during monitoring pursuant to Section II.A.6.b. of GO 107-B.[15]

After conferring with the Assigned Commissioner's office, I have concluded for a variety of reasons that the ARU issue should be dealt with in this case. First, the assumption implicit in the July 27, 1993 ruling — that adequate review of the ARU issue can be had through the advice letter process — runs counter to the weight of recent Commission authority. It has been the Commission's policy for at least a decade to deal with important questions of public policy through applications or adjudication, not through advice letters.[16]

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[15] However, as noted above, SBC states specifically in its status report that even if the Commission approves the use of the ARU, thereby permitting SBC to begin taking verbatim notes of monitored conversations, "SBC California abides by the terms of the MOA [concerning remote monitoring] and will do so even if the Commission approves use of an ARU announcement." (SBC Status Report, p. 4.)

[16] For older statements of this policy, *see* Resolution G-3127 (June 8, 1994) (rejecting PG&E's advice letter proposing tariff for long-term firm intrastate gas transportation service); OII 84-04-079 (*mimeo.* at 3-4) (suspending Southern California Gas advice letter proposing a transportation rate for customer-owned gas).

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Thus, contrary to the conclusion reached in the July 27, 1993 ruling, it now appears to me that the ARU issue should be dealt with in this case, inasmuch as it has been raised here and this proceeding appears to furnish nearly as good a vehicle for resolving the matter as would an application.

Second, it makes sense to resolve the ARU issue in this case because the relevant questions appear to be matters of law. It seems evident from the complainant's status report, for example, that CWA does not dispute that recorded messages saying "your call may be monitored for quality assurance purposes" are ubiquitous today, even among utilities regulated by this Commission. (CWA Status Report, pp. 4-5.) In view of how common these messages have become, the principal issue about their use by SBC may be whether the utility's customers now have any reasonable expectations that their calls with service representatives will *not* be monitored. Further, because there

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More recently, in Rulemaking (R.) 98-07-038, the Commission's proceeding to revise GO 96-A, the unsuitability of advice letters for resolving major policy questions has been noted. For example, in the proposed decision mailed on February 14, 2001, § 5.1 of the proposed revisions to GO 96-B (which are set forth in Appendix A to the proposed decision) provide as follows:

> "The advice letter process provides a quick and simplified review of the types of utility requests that are expected neither to be controversial nor to raise important policy questions. The advice letter process does not provide for an evidentiary hearing; a matter that requires an evidentiary hearing may be considered only in a formal proceeding. See General Rules 5.2, 5.4.
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> "The primary use of the advice letter process is to review a utility's request to change its tariffs in a manner previously authorized by statute or Commission order, to conform the tariffs to the requirements of a statute or Commission order, or to get Commission authorization to deviate from its tariffs."

seems to be no dispute about the ubiquity of ARU-generated messages to callers regarding monitoring, the California Supreme Court's opinion in *Hill v. National Collegiate Athletic Assn.*, 7 Cal.4th 1 (1994), as well as other privacy cases, suggest that this expectation-of-privacy issue can be resolved as a matter of law.[17]

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[17] In *Hill v. NCAA*, the Supreme Court was called upon to decide a claim by student athletes that the requirement they give a urine sample in the presence of NCAA officials was an invasion of the athletes' privacy rights under the California Constitution. In setting forth the elements that must be pleaded and proven to prevail in a private action for invasion of privacy, the Court said:

> "Based on our review of the Privacy Initiative, we hold that a plaintiff alleging an invasion of privacy in violation of the state constitutional right to privacy must establish each of the following: (1) a legally protected privacy interest; (2) a reasonable expectation of privacy in the circumstances; and (3) conduct by defendant constituting a serious invasion of privacy.
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> "Whether a legally recognized privacy interest is present in a given case is a question of law to be decided by the court . . . Whether a plaintiff has a reasonable expectation of privacy in the circumstances and whether defendant's conduct constitutes a serious invasion of privacy are mixed questions of law and fact. If the undisputed material facts show no reasonable expectation of privacy or an insubstantial impact on privacy interests, the question of invasion may be adjudicated as a matter of law." (7 Cal.4th at 39-40; citations omitted.)

See also, Smith v. Fresno Irrigation District, 72 Cal.App.4th 147, 156-57, 162 (1999) (issue of whether discharged employee's privacy rights were violated by the district's policy of requiring drug tests for all employees engaged in safety-sensitive positions, and what plaintiff's reasonable expectations of privacy were under the circumstances, were mixed questions of law and fact, with legal questions predominating.)

Unlike *Hill* and *Smith*, the privacy questions raised by SBC's request for permission to use the ARU do not appear to involve tort issues or questions about the propriety of injunctive relief. Nonetheless, because these cases are significant in the recent development of California privacy law, it seems likely that the Commission would follow them with respect to such questions as what elements must be proven in a privacy claim, who has the burden of proof, and whether particular questions raise issues of law or fact.

In view of this, it makes sense to ask the parties to brief the issues of whether SBC should be permitted to use the ARU, and if so, what restrictions (if any) should apply to such use. At the PHC, the parties should be prepared to state how much time they expect to need to do the necessary research and prepare such briefs. If either CWA or SBC does not agree that the ARU issue can be ruled upon as a matter of law, that party should be prepared to state what additional evidence would be required, and when the party could make witnesses available for this purpose.

In accordance with the discussion set forth above, **IT IS RULED** that:

1. A prehearing conference (PHC) will be held at 10 a.m. on Thursday, July 31, 2003 to discuss the issues set forth above. The PHC will take place in the Commission's courtroom at 505 Van Ness Avenue, San Francisco, CA 94102.

2. Communications Workers of America (CWA) and SBC California (Pacific or SBC) should be prepared to state at the PHC whether the remote monitoring practices used by SBC today are substantially identical to the practices used by Pacific in 1993 and described in the 1993 hearing transcript. If either party is of the view that the 1993 hearing record on the remote monitoring issue is stale, that party should be prepared to discuss what additional evidence would need to be taken on this issue at a supplementary hearing, and when its witnesses could be available for such a hearing. Each party should also be prepared to discuss the relevance of the 1995 Memorandum of Agreement and the related answers to frequently-asked questions about supervisory monitoring.

3. At the PHC, counsel for CWA should produce some form of documentary evidence to demonstrate that Kathleen Kinchius has been authorized by Local 9415 to continue representing the interests of Local 9415 in this case.

4. At the PHC, SBC should be prepared to state whether the training of SBC personnel on the checklist forms included as Attachment C to SBC's status report is so similar to the training given on the predecessors of these forms that the 1993 hearing record should be considered sufficient to decide the adequacy-of-training issue. If either party believes that the 1993 hearing record is insufficient to permit a ruling on SBC's current checklists and related training practices, that party should be prepared to discuss what additional evidence would need to be taken on these issues at a supplementary hearing, and when the party's witnesses could be available for such a hearing.

5. At the PHC, each party should be prepared to state whether it agrees that the propriety of allowing SBC to use the Automatic Response Unit to inform customers that their calls may be monitored can be ruled upon as a matter of law, and what restrictions (if any) should be imposed on such use. Each party should also be prepared to state how long the party would need to conduct legal research and submit a brief on these questions. If either party contends that these issues should not be ruled upon as a matter of law, the party so contending

should be prepared to state what additional evidence the party believes is necessary, and when the party's witnesses could be available for a supplementary hearing on such issues.

Dated June 16, 2003, at San Francisco, California.

/s/ KIRK MC KENZIE
Kirk McKenzie
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Convening Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated June 16, 2003, at San Francisco, California.

/s/ HELEN FRIEDMAN
Helen Friedman

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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